

OFFICIAL GAZETTE



GOVERNMENT OF GOA

EXTRAORDINARY

No. 5

GOVERNMENT OF GOA
Department of Law and Judiciary
Legal Affairs Division

Notification

7-52-2001-LA

The Goa Registration of Tourist Trade (Amendment) Act, 2001 (Goa Act 60 of 2001), which has been passed by the Legislative Assembly of Goa on 23-07-2001 and assented to by the Governor of Goa on 4-09-2001, is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 25th September, 2001.

The Goa Registration of Tourist Trade
(Amendment) Act, 2001

(Goa Act 60 of 2001) [4-9-2001]

AN

ACT

further to amend the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act 10 of 1982).

BE it enacted by the Legislative Assembly of Goa in the Fifty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Registration of Tourist Trade (Amendment) Act, 2001.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act 10 of 1982) (hereinafter referred to as the "principal Act"),—

(i) after clause (a), the following clause shall be inserted, namely:—

"(aa) 'beach shack' means a purely temporary stall of such material, size and design and for such activities on the beach as the Government may, by notification in the Official Gazette, specify;"

(ii) after clause (b), the following clause shall be inserted, namely:—

"(bb) 'chair' means chair made up of wood/steel/plastic of standard size;"

(iii) after clause (c), the following clause shall be inserted, namely:—

"(cc) 'deckbed' means bed made up of wood/steel/plastic, of size 6' x 3', with or without mattress;"

(iv) in clause (g), for *Explanation 2*, the following *Explanation* shall be substituted, namely:—

"*Explanation 2.*— The expression 'touting' means coercing for shopping, accommodation,

transportation, sightseeing or pestering for any particular premises, person, establishment, manufacturer, vending, hawking, massaging on the beach or any other service connected with tourism with consideration of personal benefit;";

(v) after clause (k), the following clause shall be inserted, namely:—

"(kk) 'tourist season with reference to shack' means the period commencing on the first day of October of the calendar year and ending on the fifteenth day of June of the following calendar year;";

(vi) after clause (n), the following clause shall be inserted, namely:—

"(o) 'umbrella' means umbrella made up of wood/steel pole with nylon or cotton cloth top.".

3. *Insertion of new sections 13 A and 13 B.*— After section 13 of the principal Act, the following sections shall be inserted, namely:—

"13 A. *Licensing of beach shacks.*— (1) Before commencement of the tourist season, the prescribed authority shall, through a public notice issued in the local newspapers, call for applications for installation of beach shacks, on such beaches as may be notified by the Government, from persons who are not employed or engaged, directly or indirectly, in any business, vocation or profession, such as tourist taxis, hotels, bars or restaurants, sale of handicrafts, souvenirs, toddy tapping, fishing or any other form of business not so specified.

(2) On receipt of such applications, the prescribed authority shall scrutinize the applications, and if found in order, grant necessary license by charging prescribed fees and on such terms and conditions as may be specified in this behalf.

(3) Where the number of eligible applicants are more than the number of beach shacks permitted on any particular beach, the selection shall be decided by draw of lots on such date and at such time as the prescribed authority may notify in this behalf.

(4) License shall be granted for putting up only one beach shack to a member of the family.

(5) Any person intending to erect a beach shack in private property shall, before he erects such

shack, apply for registration to the prescribed authority in the prescribed manner.

Explanation.— For the purpose of this section, "family" shall include husband or wife, as the case may be, dependent parents and unmarried children, provided they figure in the same ration card as the applicant.

13 B. *Licences for deckbeds, umbrellas and chairs.*— (1) Licences for putting up deckbeds, umbrellas and chairs on such beaches as the Government may, by notification in the Official Gazette, specify, shall be granted by the prescribed authority by charging prescribed fees.

(2) Number of deckbeds, umbrellas and chairs on the beach shall be as determined by the Government from time to time by notification in the Official Gazette.

(3) Deckbeds/umbrellas/chairs put up on the beaches notified under sub-section (1), shall be removed during the night time by 6.00 p.m."

4. *Amendment of section 22.*— For section 22 of the principal Act, the following shall be substituted, namely:—

"22. *Penalty for default in registration.*— (1) Any person carrying on the business of a dealer, hotel-keeper or travel agent without proper registration under this Act or in violation of any of the provisions of this Act or the rules made thereunder shall be punishable by the prescribed authority with fine which may extend to Rs.10,000/-.

(2) Where the person on whom the penalty of fine is imposed under sub-section (1) does not, within 30 days from the date of the order imposing such penalty, pay the fine imposed, then such person shall be liable to pay, by way of penal interest, a sum of:—

(a) Rs.100/- for each day for the first 30 days from the date of the expiry of the period of 30 days as aforesaid; and,

(b) Rs. 200/- for each day thereafter for a period of 15 days.

(3) In case of failure on the part of a dealer, a hotel-keeper or travel agent to pay the fine imposed under sub-section (1) and/or penal

interest under sub-section (2), the same shall be recovered as an arrears of land revenue, and the business shall be liable to be closed and the prescribed authority shall be at liberty to institute proceedings in the appropriate court of law for enforcing the closure of business.

(4) Any person erecting beach shack and/or carrying on activity therein without obtaining a license as required under section 13 A of this Act, shall be punishable with fine which may extend to Rs.10,000/-, the beach shack shall be liable for demolition and the material thereof confiscated, without any prior notice, entirely at his risk and cost.

(5) Any person erecting beach shack and/or carrying on activities therein without proper registration as required under section 13 A (5), shall be punishable with fine of Rs.1,000/- which may extend to Rs. 5,000/-."

5. *Amendment of section 26.*— For section 26 of the principal act, the following shall be substituted, namely:-

"26. *Penalty for malpractice.*— If any dealer, hotel-keeper, travel agent or any other person to whom this Act may be made applicable, commits a malpractice or contravenes any other provision of this Act or the rules made thereunder in a tourist area for which no specific penalty has been provided, he shall be liable for punishment with 3 months imprisonment or with minimum fine of Rs. 2,000/- which may extend to Rs. 5,000/-. The offence under this section shall be cognizable, bailable and triable in summary manner."

6. *Amendment of section 27.*— For section 27 of the principal Act, the following shall be substituted, namely:—

"27. *Obstructing lawful authorities.*— If any person willfully obstructs or offers any resistance to, or otherwise interferes in the discharge of the functions of the prescribed authority or any officer authorized by him exercising any power, or performing any duties conferred or imposed upon it or him by or in pursuance of this Act or the Rules made thereunder, he shall be liable to punishment with imprisonment which may extend to three months or with a minimum fine of Rs. 500/- which may extend upto Rs. 2,000/- or with both. The offence under this section shall be cognizable, bailable and triable in summary manner."

7. *Amendment of section 28.*— In section 28 of the principal Act, for sub-section (1), the following shall be substituted, namely:—

"(1) Any person committing a breach of any of the provisions of the Act or the rules made thereunder for which he has been once punished with fine by the prescribed authority under any of the provisions of this Chapter, shall be punishable with imprisonment which may extend to six months or with minimum fine of Rs.1,000/- which may extend to Rs.10,000/- or with both. The offence under this section shall be cognizable, bailable and triable in summary manner."

Secretariat - Annexe,
Panaji.

Dated: 25-9-2001.

V. P. SHETYE,
Secretary to the
Government of Goa
Law Department
(Legal Affairs)